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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,750	05/15/2006	Kris Vandermeulen	31118/DY0205	9103

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EXAMINER
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LEE, SEUNG H

ART UNIT	PAPER NUMBER
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2887

MAIL DATE	DELIVERY MODE
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04/02/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,750	<b>Applicant(s)</b> VANDERMEULEN ET AL.	
	<b>Examiner</b> SEUNG H. LEE	<b>Art Unit</b> 2887	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28-40 and 42-57 is/are pending in the application.  
     4a) Of the above claim(s) 28,29,31,36,38 and 44-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30,32-35,37,39,40,42,43 and 52-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Receipt is acknowledged of the response filed on December 29, 2009, which has been entered in the file.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 30, 37, are rejected under 35 U.S.C. 102(e) as being anticipated by Cremon et al. (US 6802659)(Hereinafter referred to as 'Cremon').

Re claim 30: Cremon teaches a roll of material (8) used for printing serving as an image receiving tape, a RFID tag (7) holding a parameter information identifying at least one template for printing a label on the tape by transferring configurable operating parameters, and the RFID tag transmit information contactlessly via electromagnetic waves (see figs. 1-13; Abstract; col. 4, line 30-col. 11, line 46).

Re claim 37: The RFID tag includes thermal transfer information (col. 8, lines 7-23) for setting thermal printer properly and monitoring the remaining number of rolls in a roll (col. 10, lines 39-52).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-35, 39, 40, 42, 43, 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cremon.

Although, Cremon teaches the roll of material having the RFID tag to transmit the parameter information and the status of roll (e.g., remaining number of rolls), he fairly suggest that the roll comprising preformed/marks and the tag transmit the message to display on the printer.

However, it would have been an obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Cremon to set the printer properly with parameters information stored in the RFID tag according to the type of the rolls such as a preformed/marks. Moreover, such modification (i.e., displaying message in the printer such as status of roll, contact information for replacement, etc) would provide a user friendly system wherein the operator can replace the roll for minimizing down time.

***Response to Arguments***

5. Applicant's arguments filed December 29, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that "...there is no teaching in Cremon of a consumable with a tag which holds a set of templates, each templates comprising a format suitable for printing on the size of image receiving tape..."(see page 11, 2<sup>nd</sup> paragraph) and "...Cremon is silent as to identifying a printable area of a preformed label..."(see page 12, 2nd paragraph), the Examiner respectfully disagrees with the applicant wherein Cremon teaches the RFID tag stores information for label dimensions which can be received/printed thereon (see col. 8, lines 7-23). Although, the applicant argue that "the dimensional of a label are not the same as a printable area of a label", the Examiner respectfully disagrees with the applicant since the label with particular dimension can be printed with information on whole area or in part according to printer's set-up and/or information to be printed.

In response to applicant argument that "...there is no teaching in Cremon of a tag which holds parameter information comprising a torque value with which a thermal transfer material is to be wound up in a printer.." (see page 11, 4<sup>th</sup> paragraph), the Examiner respectfully disagrees with the applicant wherein Cremon teaches speed of printing is importance aspect of the optimum printout result (see col. 4, lines 54-65).

In response to applicant argument that "...Cremon does not mention a tag on a consumable which holds a prestored message to notify a user..." (see page 13, 1<sup>st</sup> paragraph) and , the Examiner respectfully disagrees with the applicant wherein Cremon teaches the RFID tag notifying the printer about number of labels in the roll for alerting operators the reloading of rolls (see col. 10, lines 39-52).

Although, a prestored message including dealer or sales contact information is not clearly taught by Cremon, it is well known in the art to include contact information for replacement as discussed above.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a continuously supply of image receiving tape) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEUNG H. LEE whose telephone number is (571)272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seung H Lee/  
Primary Examiner, Art Unit 2887